

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HUMBERTO GARCIA-GARMONA
and DIANA BARTA,

Defendants.

8:16-CR-91

PRELIMINARY ORDER OF
FORFEITURE

This matter is before the Court on the plaintiff's Motion for Preliminary Order of Forfeiture ([filing 120](#)). The operative information in this case ([filing 1](#)) charged Garcia-Garmona with one count of possession with intent to distribute 500 grams or more of a mixture or substance containing methamphetamine, in violation of [21 U.S.C. § 841](#), and charged Barta with one count of possession with intent to distribute a mixture or substance containing methamphetamine, in violation of [21 U.S.C. § 841](#). The information contained a forfeiture allegation seeking the forfeiture, pursuant to [21 U.S.C. § 853](#), of all United States currency seized from the defendants as the result of a January 8, 2016 traffic stop, on the basis that it was used to facilitate the commission of the offenses and was derived from proceeds obtained, directly or indirectly, as a result of committing the offenses. [Filing 1](#). The plaintiff's motion represents the amount of United States currency at issue as being \$3,327. [Filing 120](#).

The defendants have pled guilty to the crime alleged and admitted the forfeiture allegation. [Filing 85](#); [filing 90](#); [filing 100](#); [filing 104](#). By virtue of pleading guilty to the charge and admitting the forfeiture allegation, the defendants have forfeited their interest in the property, and the plaintiff should be entitled to possession of the property pursuant to [21 U.S.C. § 853](#). Therefore, the plaintiff's Motion for Preliminary Order of Forfeiture is granted.

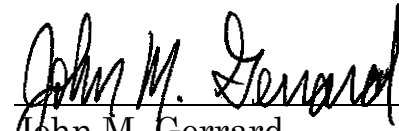
IT IS ORDERED:

1. The plaintiff's Motion for Preliminary Order of Forfeiture ([filing 120](#)) is granted.

2. Based upon the defendants' guilty pleas and admission of the forfeiture allegation of the information, the plaintiff is authorized to seize the \$3,327 in United States currency.
3. The defendants' interest in the property is forfeited to the plaintiff for disposition in accordance with law, subject to the provisions of [21 U.S.C. § 853\(n\)\(1\)](#).
4. The property is to be held by the plaintiff in its secure custody and control.
5. Pursuant to [21 U.S.C. § 853\(n\)\(1\)](#), the plaintiff shall publish for at least 30 consecutive days on an official Internet government forfeiture site (www.forfeiture.gov) notice of this order, notice of publication evidencing the plaintiff's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendants, having or claiming a legal interest in the property must file a petition with the Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. Such published notice shall state that the petition referred to in paragraph 5, above, shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the property and any additional facts supporting the petitioner's claim and relief sought.
7. The plaintiff may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to [21 U.S.C. § 853\(n\)](#), in which all interests will be addressed.

Dated this 10th day of February, 2017.

BY THE COURT:



John M. Gerrard
United States District Judge